

REMARKS

The Applicants have amended the specification so as to incorporate material that was previously incorporated by reference from then copending U.S. Patent Application Serial No. 08/607,903, which issued on March 2, 1999 as U.S. Patent No. 5,876,453. For simplicity, the Applicants enclose herewith a copy of U.S. Patent No. 5,876,453 and have placed a box around the two columns of material that are now being incorporated into the pending application (i.e. Col. 4, line 57 to Col. 6, line 57). In essence, the material that is being placed into the pending application relates to the manner in which the surface of a surgical implant is treated and the resulting surface topography. The figures from U.S. Patent No. U.S. Patent No. 5,876,453 which are referenced in the incorporated material are being added as well. The Applicants note that they were required to renumber these incorporated figures so that the numbering in the present application was logical. This material is now being added because the new claims presented in this Second Preliminary Amendment have limitations directed to the type of roughened surface and the specific topography.

Because the material that is now being added was previously incorporated by reference in the pending application, it does not amount to the introduction of new matter. See MPEP §§ 2163.07(b) and 608.01(p). Applicants further note that the material being added is disclosed in the family of continuing applications under 35 U.S.C. §120 since the present application claims priority to U.S. Serial No. 08/607,903, now U.S. Patent No. 5,876,453, the application from which the material is being incorporated.

The Applicants also desire to inform the Examiner of minor changes to the incorporated material. The Applicants have added a transition sentence at the beginning of the incorporated material. The applicants have changed the "grit-blasting" reference from Serial. No. 08/149,905 to U.S. Patent No. 5,607,480 since it is now an issued patent. Lastly, the second-to-last sentence under Example 2 of the incorporated material states, "the failure to remove the native oxide layer (100-150 Angstrom units thick) resulted in a non-uniformly etched surface, as depicted for example in FIG. 3 of U.S. Patent No. 5,876,453." To avoid also incorporating FIGS. 1-4 of U.S. Patent No. 5,876,453, the underlined material was added for clarity.

Applicants have added new claims 11-50. The applicants believe the new claims are in condition for allowance.

A check for \$297 is enclosed for the submission of new claims in this amendment. The Commissioner is hereby authorized to charge deposit account No. 01-2508 (IMPI:035--1) for any additional fees inadvertently omitted or to credit any overpayment which may be necessary now or during the pendency of this application.

If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is respectfully requested to contact Applicant's undersigned attorney at the number indicated.



Dated: March 11, 1999

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Daniel J. Burnham", written over a horizontal line.

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